

REGULAR MEETING

February 13, 1995

The Regular Meeting of the Annapolis City Council was held on February 13, 1995 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:00 p.m.

Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke

Alderman Turner moved to approve the Minutes of January 5, 1995, January 9, 1995 and January 23, 1995. Seconded. CARRIED on voice vote.

The Council observed a moment of silence out of respect for the late Chick Levitt and Kevin Reichardt.

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the City Council was held at 6:03 p.m., Monday, February 13, 1995, in the City Council Chamber.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer, City Attorney Goetzke, City Administrator Mallinoff and City Clerk Bembe.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Sections 10-508(a)(7) and (8). The purpose of the meeting was to consult with counsel to obtain legal advice on a legal matter and consult with staff, consultants, or other individuals about pending or potential litigation. The following action was taken:

(1) TCI contract

Alderman DeGraff moved to direct the City Attorney to enter into discussions with TCI for settlement of the threatened litigation for breach of franchise agreement. Seconded. CARRIED on voice vote.

(2) Collins v the City of Annapolis

Alderman Gilmer moved to follow the recommendation of the City Attorney and continue to negotiate a settlement pending a response to the Petition for Writ of Certiorari filed with the Court of Appeals. If the Petition for Writ of Certiorari is granted, reconvene the City Council for further recommendation. Seconded. CARRIED on voice vote.

(3) Chesapeake Harbour Annexation

No action taken.

Mayor Hopkins presented a Proclamation to David S. Aland proclaiming January 9, 1995 as "David S. Aland Appreciation Day".

Mayor Hopkins presented a Proclamation to Doug Lamborne, President, Eastport Civic Association proclaiming February 13 - 19 as "Eastport Appreciation Week".

The order of the agenda was amended to allow for Action On Applications and Appeals.

ACTION ON APPLICATIONS AND APPEALS

1. **R-5-95** For the purpose of approving the application of Morrison Restaurants, Inc., trading as Ruby Tuesday, for a conditional use to establish a standard restaurant and bar with alcoholic beverages located at 2065 Somerville Road in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-5-95. Seconded. CARRIED on voice vote.

2. **R-6-95** For the purpose of approving the application of Shorewash, Inc. for a conditional use to amend a previously approved application for a car wash located at 1918 West Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman DeGraff moved to adopt R-6-95. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Tullier, Snowden, Turner, DeGraff, Moyer
NAYS: Aldermen Hammond, Gilmer
CARRIED: 7-2

The order of the agenda was amended to allow for a **Business and Miscellaneous** item.

BUSINESS AND MISCELLANEOUS

1. **R-3-95** Sponsored by Mayor Hopkins and Aldermen Hammond, Johnson, Turner

For the purpose of approving the appropriation of certain monies from the surplus of the 1995 fiscal year to fund certain studies to be included in the Central and Outer West Street Corridor Study currently being prepared by the Department of Planning and Zoning; and all matters relating to said study.

Alderman Snowden moved to adopt R-3-95. Seconded.

Alderman Tullier moved to substitute R-3-95 Revised for R-3-95. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Tullier, Snowden, Moyer
NAYS: Aldermen Hammond, Johnson, Gilmer, Turner, DeGraff
DEFEATED: 5 - 4

Alderman Turner moved to substitute R-3-95 Revised (2) for R-3-95. Seconded. CARRIED.

Alderman DeGraff moved to amend R-3-95 Revised (2) as follows:

On page 2, line 28, after "commercial)," strike the word "and" after the word "jurisdiction" add "a utilization profile, and a needs assessment. A request for proposal shall be developed by the Economic Development Coordinator Burkholder, Alderman Tullier, and John Sherwood."

Seconded. CARRIED on voice vote.

Alderman Snowden moved to amend R-3-95 Revised (2) as follows:

On page 2, line 32, following the word "site " add within thirty days, and on line 35, strike "Department of Planning and Zoning", and add "Office of Economic Development and Public Information" and on line 37, after the word "conducting" add "The studies be completed and reported by June 1, 1995."

Seconded.

Alderman Gilmer moved to amend the amendment as follows:

On page 2, line 35, following the word "Mayor" insert "within thirty days", and on page 3, line 3, insert "WITH THE ASSISTANCE OF THE OFFICE OF ECONOMIC DEVELOPMENT AND PUBLIC INFORMATION" and on line 6, after the word "conducting." add "the studies shall be completed and reported by June 1, 1995."

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

Alderman Snowden moved to adopt R-3-95 Revised (2) as Amended. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden,
Turner, DeGraff, Moyer

CARRIED: 9-0

The regular order of the agenda was resumed.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Robert Eades
Tyler Avenue
Annapolis, MD

Spoke regarding food delivery establishments in the City of Annapolis not servicing predominately African American communities.

2. Antonio Brown
909 Royal Street
Annapolis, MD

Spoke regarding food delivery establishments in the City of Annapolis not servicing predominately African American communities.

3. Cornell Mark Hunt Sr.
1840 Bowman Court
Annapolis, MD

Spoke regarding public safety in African American Communities.

4. Dan Masterson
Community Association of Annapolis
no address given

Spoke regarding R-3-95.

5. David Ready
12 S. Cherry Grove Avenue
Annapolis, MD

Spoke in support of R-3-95.

6. Richard Jedlicka
5 Maryland Avenue
Annapolis, MD

Spoke in support of O-8-94.

7. Cindy Eckard
106 North Linden Avenue
Annapolis, MD

Spoke in support of O-8-94.

LEGISLATIVE ACTION

1. **CA-7-94** Sponsored by Alderman Turner

For the purpose of amending the Charter of the City of Annapolis to require the City Central Committees to nominate candidates for the Board of Supervisors of Elections; establishing that the Mayor shall make said nominations if that requirement is not met; and all matters relating to said nominations.

The Rules Committee reported favorably with the following amendments:

Amendment No. 1

On Page 2, line 16, immediately following "BY THE", strike "SECOND" and substitute "FIRST".

Amendment No. 2

On Page 2, line 17, immediately following "APRIL" strike the period and the bracket; on that same page, line 18, immediately following "designated" add a period and bracket.

Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt CA-7-94 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-7-94 amended on third reading. Seconded. CARRIED on voice vote.

2. **O-8-94** Sponsored by Aldermen Snowden and DeGraff

For the purpose of establishing the order of procedures for the presentation of testimony and evidence at public hearings before the City Council; setting a time limit; and all matters relating to public hearings.

The Rules Committee reported favorably on O-8-94 Revised. (not introduced)

Alderman Snowden moved to adopt O-8-94 on second reader. Seconded.

Alderman DeGraff moved to amend O-8-94 as follows:

Amendment No. 1

On Page 2, line 46, immediately following "IF ANY", add the following:

HOWEVER, BY UNANIMOUS CONSENT OF THE CITY COUNCIL, WRITTEN REPORTS MAY BE SUBMITTED BY THE STAFF REPRESENTATIVE AS EVIDENCE TO THE RECORD WITHOUT ORAL TESTIMONY, PROVIDED THE REPRESENTATIVE IS AVAILABLE AT THE HEARING TO RESPOND TO ANY QUESTIONS.

Amendment No. 2

On Page 3, line 6, immediately following "IF ANY", add the following:

HOWEVER, BY UNANIMOUS CONSENT OF THE CITY COUNCIL, WRITTEN FINDINGS AND RECOMMENDATIONS MAY BE SUBMITTED BY THE BOARD OR COMMISSION REPRESENTATIVES AS EVIDENCE TO THE RECORD WITHOUT ORAL TESTIMONY, PROVIDED THE REPRESENTATIVE IS AVAILABLE AT THE HEARING TO RESPOND TO ANY QUESTIONS.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Tullier, Snowden, DeGraff, Moyer
NAYS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Turner
DEFEATED: 5-4

Alderman Snowden moved to adopt O-8-94 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Tullier, Snowden, DeGraff, Moyer
NAYS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Turner
DEFEATED: 5-4

3. O-23-94 Sponsored by Aldermen DeGraff, Snowden

For the purpose of prohibiting certain discriminatory practices by establishments holding alcoholic beverage licenses; and all matters relating to said discriminatory practices.

The Alcoholic Beverage Control Board reported favorably on O-23-94.

The Rules Committee reported favorably on O-23-94.

Alderman Snowden moved to adopt O-23-94 on second reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-23-94 on third reading. Seconded. CARRIED on voice vote.

4. O-27-94 Sponsored by Aldermen, Johnson, Tullier, Snowden, Moyer

For the purpose of requiring that all streets to be constructed in new

subdivisions and/or planned developments in the City of Annapolis shall be owned and maintained by the City of Annapolis and shall conform to City standards prior to conveyance to City ownership; for providing a mechanism whereby the mayor and Aldermen may reduce the amount of required right-of-way or pavement width; and all matters relating to said streets.

The Rules Committee reported unfavorably on O-27-94.

Alderman Snowden moved to adopt O-27-94 on second reading. Seconded.

Alderman Moyer moved to amend O-27-94 as follows:

Amendment No. 1

On Page 3, line 30, strike beginning with the blank line through and including "(Date of Adoption)" and substitute "AUGUST 15, 1995"; and on Page 3, line 31 before the word "owned" add DEDICATED TO, and on Page 4, line 39, strike immediately following "effect" through and including "passage" on line 40 and substitute "on August 15, 1995".

Amendment No. 2

On Page 3, line 31, immediately following "ANNAPOLIS" add the following:

" EXCEPT THAT A COMMUNITY ASSOCIATION, UPON APPROVAL BY THE CITY COUNCIL WITH THE ADVICE OF THE PLANNING COMMISSION AND THE DIRECTOR OF PUBLIC WORKS, MAY PRIVATIZE AND ASSUME RESPONSIBILITY AND LIABILITY FOR ROADS WITHIN THE BOUNDARIES OF THE COMMUNITY CONSISTENT WITH ALL REQUIREMENTS BY MARYLAND REAL PROPERTY ARTICLE TITLE II".

Amendment No. 3

On Page 3, line 29, strike "NEW"; on that same line, immediately following "SUBDIVISIONS" add "HAVING FINAL PLAT APPROVAL"; on line 30, strike "APPROVED".

Amendment No. 4

On Page 4, line 12, immediately following "ROADS" strike the remaining language.

Amendment No. 5

On Page 3, line 15, add the following:

"Sec. 20.12.050. Plat.

The preliminary plat (preliminary subdivision plan, general subdivision plan) shall be at a scale of two hundred feet to one inch or larger (preferred scale of one hundred feet to one inch). It shall show all existing conditions required above in Section 20.12.040, and shall show all proposals including the following:

A. Streets: names, right-of-way and roadway widths, approximate grades and gradients, and similar data for alleys, if any AND DESIGNATION OF STREETS TO BE ACCEPTED BY AND DEDICATED TO THE CITY AND THOSE AREAS TO BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION;"

Amendment No. 4

On Page 3, line 15, add the following:

"Sec. 20.16.040. Contents.

All boundaries, street lines and lot lines, plus any other lines pertinent to the plan, shall be shown neatly and clearly together with sufficient data, accurately calculated, to locate each line and property corner and to reproduce them upon the ground. The plan shall show the following items, as applicable in each case:

Q. DESIGNATION OF THOSE STREETS SUBJECT TO CITY ACCEPTANCE AND DEDICATION FOR MAINTENANCE AND THOSE STREETS TO REMAIN PRIVATE AND SUBJECT TO MAINTENANCE BY A HOMEOWNER ASSOCIATION."

Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-27-94 as amended on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Moyer
NAYS: Aldermen Turner, DeGraff
CARRIED: 7-2

Alderman Moyer moved to adopt O-27-94 Amended on third reading. Seconded. CARRIED on voice vote.

5. **O-71-94** Sponsored by Alderman Turner

For the purpose of revising the election laws of the City of Annapolis; and all matters relating to said election laws.

The Rules Committee reported favorably on O-71-94.

Alderman Turner moved to adopt O-71-94 on second reading. Seconded.

Alderman Turner moved to substitute O-71-94 Revised for O-71-94. Seconded. CARRIED on voice vote.

Alderman Moyer moved to amend O-71-94 Revised as follows:

On page 6, line 39, following the word "application" delete "AND A MEDICAL CERTIFICATE,".

Seconded. CARRIED on voice vote.

Alderman Moyer moved to amend O-71-94 Revised as follows:

On page 4, line 31, after the word "OFFICE" add "AS A RESIDENT WITHIN THE CITY".

Seconded. CARRIED on voice vote.

Alderman Moyer moved to amend O-71-94 Revised as follows:

On page 3, line 20, strike "THE BOARD, BY A UNANIMOUS VOTE, SHALL HAVE AUTHORITY TO POSTPONE AN ELECTION FOR UP TO ONE WEEK BECAUSE OF SEVERE WEATHER.".

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Gilmer, Snowden, Moyer
NAYS: Aldermen Hammond, Johnson, Tullier, Turner, DeGraff,
DEFEATED: 5-4

Alderman Gilmer moved to amend O-71-94 Revised as follows:

On page 4, line 12, strike "A. USED BY THE COUNTY".

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Gilmer, Snowden, Moyer
NAYS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Turner, DeGraff
DEFEATED: 6-3

Alderman Turner moved to adopt O-71-94 Revised as amended on second reading.
Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Tullier, Turner, DeGraff
NAYS: Mayor Hopkins, Aldermen Gilmer, Snowden, Moyer
CARRIED: 5-4

Alderman Turner moved to adopt O-71-94 Revised/Amended on third reading. Seconded.
A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Tullier, Snowden, Turner, DeGraff
NAYS: Mayor Hopkins, Aldermen Gilmer, Moyer
CARRIED: 6-3

6. **O-72-94** Sponsored by Mayor Hopkins

For the purpose of establishing that parties aggrieved by a decision of the Civil Service Board made pursuant to Chapter 3.16 of the City Code may appeal to the Circuit Court for Anne Arundel County; and all matters relating to said appeal.

The Rules Committee reported favorably on O-72-94.

The Civil Service Board reported favorably on O-72-94 with the following amendment:

Amendment No. 1

On Page 2, line 25, add the following:

"2. SUCH APPEAL MUST BE TAKEN WITHIN THIRTY DAYS OF THE DATE OF THE DECISION APPEALED AND SHALL BE THE EXCLUSIVE REMEDY OF THE AGGRIEVED PARTY FROM THAT DECISION."

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-72-94 as amended on second reading. Seconded.
CARRIED on voice vote.

Alderman Snowden moved to adopt O-72-94 Amended on third reading. Seconded.
CARRIED on voice vote.

7. **O-96-94** Sponsored by Mayor Hopkins

For the purpose of revising the fine for parking meter violations if paid within a certain time; and all matters relating to said fines.

There being no voiced objection O-96-94 was postponed.

8. **O-1-95** Sponsored by Mayor Hopkins

For the purpose of establishing that Closed Meetings pursuant to Maryland State Government Article, Section 10-501, et. seq., shall not be considered in determining the next succeeding meeting for reconsideration of any action taken by the City Council; and all matters relating to said reconsideration determination.

The Rules Committee reported favorably on O-1-95.

Alderman Snowden moved to adopt O-1-95 on second reading. Seconded. CARRIED on voice vote.

Alderman Johnson moved to adopt O-1-95 on third reading. Seconded. CARRIED on voice vote.

9. **O-4-95** Sponsored by Alderman DeGraff

For the purpose of clarifying the duties and subject matters jurisdiction of the Rules Committee; establishing that matters shall be reported back to the City Council within a certain time period; and all matters relating to said standing committees.

Alderman Snowden moved to adopt O-4-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee.

10. **O-6-95** Sponsored by Mayor Hopkins

For the purpose of authorizing the lease of certain municipal property located at the City Dock to Chesapeake Bay Foundation, Inc., at a variable rate of rental each year, for the purpose of docking and mooring the vessel known as "Stanley Norman", for the purpose of operating environmental educational field trips; and all matters relating to said lease.

Alderman Snowden moved to adopt O-6-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee.

11. **O-7-95** Sponsored by Alderman DeGraff

For the purpose of amending the regulation governing the building bulk limitations for the PT Office and Residential Transition District; and all matters relating to said district.

Alderman DeGraff moved to adopt O-7-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules Committee.

12. **O-8-95** Sponsored by Mayor Hopkins

For the purpose of increasing the fine for vehicles parking or standing for longer than forty-eight hours in certain prohibited areas; and all matters relating to said fine.

Alderman Snowden moved to adopt O-8-95 on first reader. Seconded. CARRIED on voice vote.

Referred to the Public Safety Committee and the Finance Committee.

13. **O-9-95** Sponsored by Mayor Hopkins

For the purpose of amending the City's wastewater pretreatment regulations as required by the State of Maryland Department of the Environment and to comply with regulations of the United States Environmental Protection Agency; and all matters relating to said wastewater pretreatment program.

Alderman Tullier moved to adopt O-9-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee.

14. **O-10-95** Sponsored by Alderman Turner

For the purpose of conveying, by quitclaim deed, whatever rights, title and interest the City has in a certain walkway easement established on the plats entitled "Ambridge, Plat 1, 2 and 3" in the City of Annapolis; and all matters relating to said quitclaim deed.

Alderman Snowden moved to adopt O-10-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and Finance Committees.

15. **O-12-95** Sponsored by Mayor Hopkins

For the purpose of authorizing the City Council to lease certain municipal property located in the general harbor and Dock Street area to United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 1999, subject to certain terms, provisions, and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

There being no voiced objection, O-12-95 was postponed to the March 13, 1995 meeting.

16. **O-13-95** Sponsored by Alderman Johnson, Snowden, Moyer

For the purpose of authorizing the operation of sidewalk cafes under certain terms and conditions after filing an application with Department of Planning and Zoning and securing a lease from the City for the use of the sidewalk; and all matters relating to said sidewalk cafes.

Alderman Snowden moved to adopt O-13-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission, Economic Matters, and the Rules Committees.

BUSINESS AND MISCELLANEOUS

2. **R-4-95** Sponsored by Alderman Snowden

For the purpose of recognizing that the month of February is annually recognized as Black History Month and affirming that the City of Annapolis endorses the objective of promoting the improved awareness by all citizens of the unique contributions to American culture that were made by Black Americans; and all matters relating to said recognition.

Alderman Snowden moved to adopt R-4-95. Seconded. CARRIED on voice vote.

3. **R-7-95** Sponsored by Alderman Hammond

For the purpose of expressing the City's gratitude for the volunteer assistance provided by the Landscape Architects of Annapolis, the Chesapeake Bay Chapter of the American Institute of Architects, Annapolis Committee, and Plan Annapolis during the approval process for the City's plan to rebrick Main Street; and all matters relating to said expression of gratitude.

Alderman Snowden moved to adopt R-7-95. Seconded. CARRIED on voice vote.

4. **R-8-95** Sponsored by Alderman Moyer

For the purpose of initiating a dialogue between downtown property owners and the City of Annapolis on or before March 8, 1995 on the issue of enhancing opportunities for upper floor uses; and all matters relating to said upper floor uses.

Alderman Snowden moved to adopt R-8-95. Seconded. CARRIED on voice vote.

5. Housing and Community Development Committee Minutes of 1/25/95

Alderman Turner moved to adopt the Housing and Community Development Committee Minutes of 1/25/95. Seconded. CARRIED on voice vote.

6. Finance Committee Minutes of 2/2/95

Alderman Snowden moved to adopt the Finance Committee Minutes of 2/2/95. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Snowden, Moyer
NAYS: Aldermen Hammond, Turner
CARRIED: 4-2

7. Payment of monthly bills

Alderman moved to pay the monthly bills. Seconded. CARRIED on voice vote.

8. Appointments

Alderman Snowden moved to confirm the Mayor's Appointment of the following named person as set forth in Memorandum from Mayor Alfred A. Hopkins dated 2/6/95:

Human Relations Commission

Ronald Leahy
405 Merryman Court
Annapolis, MD 21401

Seconded. CARRIED on voice vote.

9. Maryland Municipal League report

Alderman Moyer gave a brief report.

10. **Mayor and Aldermen's Compensation Commission**

Alderman Snowden moved to request that the Mayor submit, to the City Council, a list of nominees for a successor salary commission. Once a list of nominees is developed, a report to the Council shall be made within ninety days.

A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Snowden, Turner, DeGraff
CARRIED: 6-0

Upon motion duly made, seconded and adopted, the meeting adjourned at 11:35 p.m.

**DEBORAH HEINBUCH, CMC
DEPUTY CITY CLERK**